

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

HUBER ENGINEERED WOODS LLC,

Plaintiff and Counterclaim-Defendant,

vs.

LOUISIANA-PACIFIC CORPORATION,

Defendant and Counterclaim-Plaintiff.

Civil Action No. 19-342-LPS

Jury Trial Demanded

**HIGHLY CONFIDENTIAL –
ATTORNEYS' EYES ONLY**

**REBUTTAL EXPERT REPORT OF
JOSEPH LSTIBUREK, Ph.D., P.ENG. REGARDING VALIDITY**

32. I have also reviewed the portions of the Tonyan Report I was asked to rebut and his definition of a POSA. While his definition of a POSA differs from Dr. Straube, these differences would not impact my opinions expressed herein. Under either Dr. Straube or Dr. Tonyan's definitions of a POSA, my opinions remain the same.

33. I believe I qualify as understanding the knowledge and skill of a POSA as of January 4, 2005, and I have a sufficient level of knowledge, experience, and expertise to provide an expert opinion in the field of the '588 Patent.

VI. TECHNOLOGY BACKGROUND

34. I have reviewed the recitation in the Straube Report of the background of the technology relating to the invention of the '588 Patent. Straube Report ¶¶ 27-69. I believe that this is an accurate recitation of the background of the relevant technology and incorporate that recitation herein as if repeated in full.

VII. OVERVIEW OF THE '588 PATENT

35. I have reviewed the overview of the '588 Patent in the Straube Report. Straube Report ¶¶ 70-76. I believe this is an accurate overview of the '588 Patent and incorporate that overview herein as if repeated in full.

36. Though the '588 Patent refers to a date of February 23, 2004, regarding two provisional applications, it is my understanding that HEW asserts a priority date of January 4, 2005, for the claims at issue in and purpose of this litigation. As explained herein, it is my opinion that a priority date of January 4, 2005, when U.S. Patent Application Nos. 11/029,535; 11/029,293; and 11/029,300 were filed, is supported by the disclosures of those patent applications and their progeny applications.

at HUBER0016436.) The ZIP System® sheathing and tape won the Best of IBS Award for Best Energy Efficient Product in 2016. (HUBER0016368-78.) ISB is an annual show organized by the National Association of Home Builders and is the largest light construction building industry event. It is a highly-regarded and well-attended trade show.

316. ZIP System® R-sheathing also received the Product Innovation Award in Thermal + Moisture Protection from Architectural Products readers (commercial audience) and editors. (HUBER0019285.)

317. In view of the above, it is my opinion that the combination of objective indicators discussed herein show that the system claimed in claims 1-20 of the '588 Patent was a significant technological advance over prior barrier systems and was not obvious as of the priority date to a POSA.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Executed this 22nd day of September, 2021.

Respectfully submitted,



Joseph Lstiburek, Ph.D., P.Eng.